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64280 7590 11/30/2011 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER WANG, JIN CHENG				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN O. LAMPING, RAMANA B. RAO and
TICHOMIR G. TENEV

Appeal 2009-012289
Application 09/124,805
Technology Center 2600

Before ROBERT E. NAPPI, THOMAS S. HAHN, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 29-44. Claims 1-28 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

Introduction

According to Appellants, the invention relates to laying out a node-link structure in a space with negative curvature such as hyperbolic space. (Spec. 1, §Field of the Invention). Nearby relationship data for an element indicating information about nearby node-link relationships is obtained and used to obtain layout data indicating the element's position relative to a parent in the space with negative curvature. (Spec. 4, ll. 3-9).

STATEMENT OF THE CASE

Exemplary Claim

Claim 29 is an exemplary claim and is reproduced below:

29. A method of laying out a plurality of elements of a node-link structure in a space with negative curvature, the method comprising:

obtaining nearby relationship data for each element in the plurality, the nearby relationship data indicating information about nearby node-link relationships;

based on the nearby relationship data for each element in the plurality, calculating element's position in the space with negative curvature; and

storing the positions for each element in the plurality in a data structure such that after the positions for all elements in the plurality have been calculated, the position of each element in the plurality is stored in the data structure only relative to an element of the node-link structure other than a root element of the node-link structure.

References

Lamping US 5,619,632 Apr. 8, 1997

Rejections

Claims 29-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lamping.

ISSUE

35 U.S.C. § 102(b): claims 29-44

Appellants argue their invention is not anticipated by Lamping (App. Br. 14). Specifically, Appellants argue the cited portions of Lamping describe “a method for mapping from *layout* space to a circular *display* region, which is flat, and is not a space with negative curvature” (App. Br. 15).

Issue: Has the Examiner erred in finding Lamping discloses the invention as recited in claim 1?

ANALYSIS

Appellants argue Lamping does not disclose a method for laying out a plurality of elements in a space with negative curvature and calculating an element's position in the space with negative curvature as recited in claim 29 (App. Br. 14-15). Although the Examiner does not directly address claim 29 with regard to the disputed limitation, we look to the Examiner's finding with respect to claim 17 (cancelled). The Examiner asserts Appellants have admitted Lamping discloses a layout space with negative curvature (Ans. 9-10). The Examiner does not indicate where Appellants made this admission; however, we find Appellants have stated Lamping discloses the layout space has negative curvature (where parallel lines diverge) when mapping functions for projecting the positions of elements in the layout space onto the flat display space (App. Br. 7).

Appellants argue Lamping maps from a layout space (negative curvature) to a flat circular display region not to a space with negative curvature (App. Br. 15). Appellants further admit for the present invention that "once the element positions are established in layout space, they are mapped to flat display space in accordance with the user's selection of what portion of the structure to display with greater detail" (App. Br. 9). Therefore, the flat display space is representative of a space with negative curvature and not a flat circular display region as set forth in Lamping. Based on this difference, Appellants argue the Examiner has not shown Lamping discloses calculating positions in a space with negative curvature (App. Br. 9).

Since the Examiner has not identified any portions of Lamping that describe calculating positions in a space with negative curvature or provided any evidence or argument that Lamping discloses this limitation, we cannot sustain the Examiner's rejection.

Accordingly, on the record before us we find the Examiner erred in finding Lamping discloses the invention as recited in claim 29. Since independent claims 42-44 recite commensurate limitations and claims 30-41 depend from independent claim 29, claims 30-44 stand with claim 29. Therefore, the Examiner erred in rejecting claims 29-44 under 35 U.S.C. § 102(b) as anticipated by Lamping.

DECISION

The Examiner's rejection of claims 29-44 under 35 U.S.C. § 102(b) as being anticipated by Lamping is reversed.

REVERSED

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